



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Pacifico et al.	Examiner:	Unassigned
Application No.:	09/996,636	Group Art Unit:	Unassigned
Filing Date:	November 29, 2001	Docket:	1001-13 RES
For:	SENSITIVE SUBSTANCE ENCAPSULATION	Dated:	March 28, 2002

Box Reissue
Commissioner for Patents
Washington D.C. 20231

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on MARCH 28, 2002

PETITION UNDER 37 C.F.R. 1.47(a)

Signature: D. Dayer

Sir:

Applicants' representative hereby petitions the Commissioner under 37 C.F.R. §1.47(a) for the acceptance of a declaration/power of attorney for the above-identified reissue application executed by one of the three inventors, Carl J. Pacifico, on behalf of his joint inventors, Wen-Hsin Wu and Marta Fraley, who have not signed the required declaration.

The non-signing inventors have refused to sign the declaration. The pertinent facts are recounted in the accompanying "Declaration" signed by Susan A. Sipos, Registration No. 43,128, of Hoffmann & Baron, LLP, Attorneys for the Applicants. A summary of the pertinent facts follow.

On December 11, 2001, a letter was sent via certified mail to Wen-Hsin Wu at her last known address, 17 Anna Court, Middletown, New York 10941. Additionally, on December 11, 2001, a letter was sent via certified mail to Marta Fraley at her last known address, 804 Cooley Road, Parksville, New York 12768. A copy of the letter sent to Wen-Hsin Wu, along with a copy of its envelope marked "Unclaimed," is attached as Exhibit A. A copy of the letter sent to Marta Fraley, along with a copy of its envelope marked "Unclaimed," is attached as Exhibit B.

Enclosed with each September 10, 2001 letter, was a copy of the above-identified reissue application, for which Wen-Hsin Wu and Marta Fraley were named as co-inventors,

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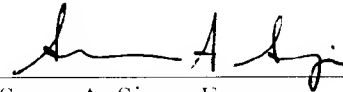
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including the specification and claims; and an Amendment to the application. A combined declaration and power of attorney was also enclosed pertaining to the reissue application. Wen-Hsin Wu and Marta Fraley were each requested to sign, and then return the combined declaration and power of attorney to Applicants' representative for filing with the United States Patent and Trademark Office.

Applicants have made a *bona fide* attempt to present the application papers to Wen-Hsin Wu and Marta Fraley for their signature. Wen-Hsin Wu and Marta Fraley have refused the certified letters, and thus *ipso facto* refused the request that they sign the declaration. Therefore, they have refused to join in the application.

In view of the foregoing, Applicants respectfully request the petition under 37 CFR 1.47(a) be granted.

Respectfully submitted,



Susan A. Sipos, Esq.
Attorney for Applicants
Registration No. 43,128

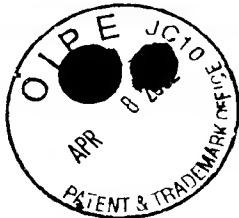
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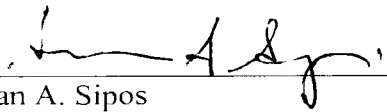
DECLARATION Signature: S. Bayes

I, the undersigned, Susan A. Sipos, declare as follows:

1. This Declaration is given as proof of certain pertinent facts asserted in a Petition under 37 C.F.R. 1.47(a) in connection with the above referenced patent application in which two of the named inventors, Wen-Hsin Wu and Marta Fraley, have refused to sign the Declaration.
2. I am a registered Patent Attorney, Registration No. 43,128, with Hoffmann & Baron, LLP, 6900 Jericho Turnpike, Syosset, New York 11791, attorneys for the Applicants, and the facts contained herein are known to me personally.
3. On December 11, 2001, I sent two letters via certified mail to the non-signing inventors. In particular, a letter was sent to Wen-Hsin Wu at her last known address, 17 Anna Court, Middletown, New York 10941. Additionally, a letter was sent to Marta Fraley at her last known address, 804 Cooley Road, Parksville, New York 12768.
4. Except for the addressees, these December 11, 2001 letters were identical. Along with each letter were included: a copy of the above referenced reissue application (specification and claims); a combined declaration and power of attorney, and the Amendment to the reissue application.
5. In the December 11, 2001 letters, Wen-Hsin Wu and Marta Fraley were requested to each sign a combined declaration and power of attorney and return the signed documents to Applicants' representative for filing in the U.S. Patent and Trademark Office.

6. Both letters were returned to us. They were marked "UNCLAIMED" by the U.S. Postal Service.
7. I hereby declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true. Further, that these statements were made with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willfully false statements may jeopardize the validity of the application of any patent issued thereon.

Date: March 28, 2002

Signature: 
Susan A. Sipos
Registration No. 43,128